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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,456	02/19/2004	Daniel S. Sommerfeld	11663-013	7780

7590 12/14/2006
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EXAMINER

LE, HUYEN D

ART UNIT PAPER NUMBER

3751

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/783,456

Applicant(s)

SOMMERFELD ET AL.

Examiner

Huyen Le

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Juaire et al (4,574,025).

The Juaire reference discloses a method of manufacturing wall panel 20 of a portable restroom comprising: applying heat to a first polymer sheet 10; pressing a first mold 17 into contact with the first polymer sheet 10; applying a vacuum to the first polymer sheet 10 and the first mold 17; forming a plurality of reinforcement ribs 21,22,23 in a surface of the first sheet (shown in Figs. 2, 4); applying heat to a second polymer sheet 11; pressing the second polymer sheet 11 into contact with a second mold 19 forming a "substantially flat" surface (the bottom sheet shown in Fig. 4); applying a vacuum to the second polymer sheet 11 and the second mold 19; and bringing first polymer sheet 10 into contact with the second polymer sheet 11 at the plurality of reinforcement ribs (the downwardly extending ribs between ribs 21 and 28 contacting and joining the bottom sheet and also contacting and joining at 29 as shown in Fig. 4) to knit the first polymer sheet with the second polymer sheet at the reinforcement ribs to form the wall panel 20 (col. 2, lines 53-60).

3. Claims 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatchadoorian et al (4,457,797).

The Hatchadoorian reference discloses a method of manufacturing wall panel 20 comprising (Figs. 9, 12-14): applying heat to a first polymer sheet 60; pressing a first mold 56 into contact with the first polymer sheet 60; applying a vacuum to the first polymer sheet 60 and the first mold 45; forming a plurality of reinforcement ribs (formed by members 74) in a surface of the first sheet 60; applying heat to a second polymer sheet 60 (the left sheet); pressing the second polymer sheet 60 into contact with a second mold 55; applying a vacuum to the second polymer sheet 60 and the second mold 55; and bringing first polymer sheet 60 into contact with the second polymer sheet 60 at the plurality of reinforcement ribs (formed by members 74 shown in Fig. 14) to knit the first polymer sheet with the second polymer sheet at the reinforcement ribs to form the wall panel 20 (col. 11, lines 49-59).

Response to Arguments

4. Applicant's arguments filed on 08/02/2006 with respect to claims 10-14 have been considered but not persuasive.

Regarding applicant's arguments that Jaire panel does not form a second sheet substantially flat, examiner respectfully disagrees with the applicant. The term "substantially" used in the claim is rather relative and not definite. A "substantially flat" surface is not totally flat surface. Fig. 3 of the present application shows that the second sheet 32 curves up and includes protrusions near the edge. So the bottom sheet of

Jaire shown in Fig. 4 (having a curved portion and a raised portion near the edge) can be considered as "substantially flat" and meets the claim limitation.

Regarding applicant's arguments that two sheets of the Hatchadoorian et al are secured together by an adhesive (col. 11, lines 23-24) and not knitted as claimed, examiner respectfully disagrees with the applicant. Figs. 10 and 11 and col. Lines 23-24 show a different embodiment having a sheet 100 and sheet 101 with ribs which are coated with adhesive and assembled together to form a panel. Figs 9, 12-14 show that sheets 60 are heated and formed by molds 55 and 56 and knitted together at the contact points of the corrugations of the back sheet with the flat sheet as shown in Fig. 14. (see col. 11, lines 49-59)


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen Le whose telephone number is 571-272-4890. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3751

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Huyen Le
Primary Examiner
Art Unit 3751

December 6, 2006